

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

JEROME GRIMES

JUDGE: JAMES

VS. 3:15-CV-2065

MAGISTRATE: HAYES

**DUSTIN JOHNSON, ELIZABETH
WARSHAW, OFFICER STEPHENS**

ANSWER TO ORIGINAL COMPLAINT

NOW INTO COURT comes Nanci S. Summersgill, Attorney for Officer Timothy Stephens(identified as Officer Stephens in Petitioner's complaint) answering the pleading filed herein by Petitioner as follows:

1.

Defendant Officer Timothy Stephens denies all allegations as referenced by Petitioner in the above captioned matter.

2.

Defendant Stephens avers Petitioner was arrested on July 11, 2015 for Aggravated Battery and Aggravated Assault based upon reliable reports of witnesses and victim, Dustin Johnson, pursuant to proper procedure and probable cause.

NOW, FURTHER ANSWERING, DEFENDANT sets forth the following affirmative defenses:

3.

On the night of July 11, 2015, Officer Timothy Stephens, in his capacity as a police officer for the City of Monroe, was dispatched to the Kangaroo Quick Stop on Garrett Road where, according to witnesses, Petitioner Grimes was swerving behind a vehicle on Interstate-20. The witness, Elizabeth Warshaw, was traveling behind another vehicle which was being driven by a friend of hers, Dustin Johnson. Elizabeth Warshaw saw the vehicle being driven by the Petitioner hit the vehicle being driven by her friend and alerted police to the incident and that Petitioner was stopped at the Kangaroo. Officer Stephens arrived, investigated and arrested the Petitioner with probable cause.

4.

Officer Stephens booked the Petitioner into Ouachita Correctional Center. Petitioner bonded out and was given a court date to appear for arraignment of August 13, 2015. Petitioner failed to appear in court and there is an active warrant at this time for his arrest.

5.

Petitioner was at all times treated in accordance with typical protocol in an arrest situation which was pursuant to traditional policies and training used throughout the United States.

6.

If defendant herein is found to have violated plaintiff's rights, then Defendant Stephens is entitled to qualified immunity. Defendant Stephens' conduct did not violate any of petitioner's clearly established constitutional or statutory rights of which a reasonable person would have known.

7.

Defendant further prays for all other just, general and equitable belief and specifically requests that attorney fees be awarded in the event Defendant Stephens is found not liable.

8.

Plaintiff's complaint fails to state a claim against the Defendants for which relief can be granted.

WHEREFORE DEFENDANT PRAYS that the complaint against defendant herein be dismissed with prejudice with costs being assessed to Petitioner.

DEFENDANT FURTHER PRAYS for attorney fees herein under the provisions of 42 USC 1988.

DEFENDANT FURTHER PRAYS for full, general and equitable relief.

Respectfully submitted,

S/Nanci S. Summersgill
Nanci S. Summersgill #17161
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(318) 329-2240 - telephone
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CERTIFICATE

I, Nanci S. Summersgill, certify that on September 24, 2015, a copy of the above and foregoing Answer to Original Complaint was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent by US Mail to:

Jerome L. Grimes
Post Office Box 305
Monroe, LA 71210

S/Nanci S. Summersgill
Nanci S. Summersgill #17161